

COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held on

19 August 2015

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MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Pope declared the meeting open at 3.13pm. The Shire President alerted the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

ATTENDANCE

President	Cr JC (Jan) Pope
Deputy President	Cr JT (Twynam) Cunningham
Councillors	Cr WA (Winston) Griffiths Cr P (Peter) Denton Cr CY (Colin) Egerton-Warburton Cr PM (Peter) Beech Cr ER (Ruth) Bigwood Cr TC (Tom) Standish
Chief Executive Officer	Mr PB (Peter) Northover
Manager of Finance & Administration	Mrs PA (Trish) Standish
Manager of Economic & Community Development	Ms CM (Cas) Hughes
Manager of Works	Mr JE (Jeff) Alderton

Members of the Public Nil

LEAVE OF ABSENCE

Councillor Cr DJ (David) Adams

APOLOGIES

Nil

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President, Cr Pope announced that the following people who were either residents or past residents of the Shire had passed away since the last meeting:

Sid Parsons

A moments silence was observed as a mark of respect.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DISCLOSURE OF INTEREST

Cr ER Bigwood

Item: 10.1.3

Type: (Section 5.61 Local Government Act 1995)

Nature: Member of Tenterden Tennis Club

Cr ER Bigwood

Item: 10.1.4

Type: (Section 5.61 Local Government Act 1995)

Nature: Member of Frankland River District Country Club

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 15 JULY 2015

Motion 01082015

Moved Cr Denton, seconded Cr Cunningham that the minutes from the ordinary meeting of Council held on 15 July 2015, be confirmed as a true and correct record.

Carried 8/0

10. REPORTS OF OFFICERS

10.1 FINANCE & ADMINISTRATION

10.1.1 SUBJECT	LIST OF PAYMENTS
RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Jessica Standish Finance Officer
FILE REFERENCE:	FM2
APPLICANT:	N/A
DATE OF REPORT:	3 August 2015
ATTACHMENTS:	List of Payments – 4 July 2015 to 3 August 2015

Purpose

The purpose of this report is to advise the Council of payments made during the period 4 July 2015 to 3 August 2015.

Background

Nil

Officers Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulation 13 states:

13. List of accounts

(1) If the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the Chief Executive Officer is to be prepared each month showing for each account paid since the last such list was prepared:

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

Policy Applicable – Implications

Council Policy 4.8 – ‘Purchasing’, states that:

“The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- a) The payee’s name*
- b) The amount of the payment*
- c) The date of the payment*
- d) Sufficient information to identify the transaction.*

The list referred to above is to be presented to the Council at each ordinary meeting of the Council and is to be recorded in the minutes of the meeting at which it is presented.

It is considered appropriate to delegate this authority to the Chief Executive Officer as the payment of accounts is the final process after debts have been incurred through other processes and systems in place.”

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Misconduct;
- Errors, Omissions and Delays;
- Failure of IT and or Communication Systems and Infrastructure;
- Failure to fulfil statutory, regulatory or compliance requirements;
- Inadequate document management processes; and
- Inadequate supplier / contract management.

The impact of the risk is Financial, Non-Compliance and Reputational

The consequences of these risks are considered to be Major

The likelihood is rare

Hence the **risk rating** for this item is Moderate

Risk mitigation includes the Council having strong financial policies and procedures in place and the requirement to report to the Council on a monthly basis.

Strategic Community Plan Reference

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 5.0: by 2023 the Shire of Cranbrook will demonstrate, Strong Governance, Leadership and Organisational Growth

Objective: 5.4 Demonstrate Sound Financial Planning and Management

Strategy: 5.4.2 Responsible and Accountable Financial Management

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 02082015

Moved Cr Griffiths, seconded Cr Beech that the payment of accounts totalling \$393,376.35 as per the attachment be noted:

- **Electronic Funds Transfers EFT 5806 to EFT 5832 - \$268,382.95;**
- **Municipal Fund Cheque No's 11722 – 11732 - \$6,987.47;**
- **Internal Account Transfers (Payroll) - \$96,641.89;**
- **Corporate Credit Card - \$694.89;**
- **Direct Debit - \$20,133.15;**
- **Trust - \$536.00.**

Carried 8/0

10.1.2 SUBJECT	MONTHLY FINANCIAL STATEMENTS
RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish Manager of Finance and Administration
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	10 August 2015
ATTACHMENTS:	Financial Statements July 2015

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 July 2015.

Background

The Local Government (Financial Management) Regulations 1996 require the preparation of monthly financial statements and presentation of these statements to the Council.

Officers Comment

The July financial statements report on 1 month, or 8% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 68% of our expected operating income;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 7% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of \$3,141,543 (surplus), which is mainly made up of cash on hand; and
- The 'Variance Report' on page 9 and 10 defines the major variances between budget and actual figures as required by the regulations.

Statutory Environment

The Local Government (Financial Management) Regulations 1996 define the requirements for monthly financial reporting (Regulation 34).

Policy Applicable – Implications

Council Policy 4.1 Defining Material Variances, states that:

When dividing the actual figures with the annual budget figure, a variance of plus or minus 10% of the percentage of the year elapsed will be reported. In addition, a variance must be greater than \$1,000 to be reported.

Financial Implications

Whilst the financial statements report on the current position of the Council, the adoption of the recommendation below does not have a financial impact.

Risk Implications

The risks associated with matters in this report are:

- Misconduct;
- Errors, Omissions and Delays;
- Failure of IT and or Communication Systems and Infrastructure;
- Failure to fulfil statutory, regulatory or compliance requirements;
- Inadequate document management processes; and
- Inadequate supplier / contract management.

The impact of the risk is Financial, Non-Compliance and Reputational

The consequences of these risks are considered to be Major

The likelihood is Rare

Hence the **risk rating** for this item is Moderate

Risk mitigation includes the Council having strong financial policies and procedures in place and the requirement to report to the Council on a monthly basis.

Strategic Community Plan Reference

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 5.0: By 2023 the Shire of Cranbrook will demonstrate, Strong Governance, Leadership and Organisational Growth

Objective: 5.4 Demonstrate Sound Financial Planning and Management

Strategy: 5.4.2 Responsible and Accountable Financial Management

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 03082015

Moved Cr Cunningham, seconded Cr Denton that the attached financial statements for the period ending 31 July 2015 be noted.

Carried 8/0

Cr ER Bigwood

Item: 10.1.3

Type: (Section 5.61 Local Government Act 1995)

Nature: Member of Tenterden Tennis Club

Cr Bigwood left the meeting at 3.17pm

10.1.3 SUBJECT TENTERDEN TENNIS CLUB – REQUEST FOR LOAN FOR CONSTRUCTION OF NEW CLUBROOMS

RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Toni Melia Emergency Services and Recreation Officer
FILE REFERENCE:	FM5, R20085 & CS108
APPLICANT:	Tenterden Tennis Club
DATE OF REPORT:	1 August 2015
ATTACHMENTS:	Audited Tenterden Tennis Club Financials

Purpose

The purpose of this report is to consider a request from the Tenterden Tennis Club for a loan for a portion of their contribution towards the construction of new clubrooms at Reserve 20085.

Background

At the 19 March 2014 meeting of Council it was resolved that:

- “1. The Chief Executive Officer provides the Tenterden Tennis Club with a copy of the Code of Practice for the safe removal of Asbestos 2nd Edition (NOHSC:2002 (2005));**
- 2. The application for the construction of the new clubroom from the Tenterden Tennis Club be prioritised as first priority funding in the current CSRFF Small Grants Round;**
- 3. The Council agree to contribute \$49,969 funded from the Rates Discount Reserve Account in the 2014/2015 financial year;**
- 4. The Council agree to guarantee up to a \$30,000 interest free loan to the Tenterden Tennis Club in accordance with Council Policy 4.6; and**
- 5. The Tenterden Tennis Club be informed that they must apply in writing for the final amount of the interest free loan after they have determined the success of other funding options.”**

Officers Comment

The Shire has received a letter from the Tenterden Tennis Club advising they have \$30,969 cash to contribute to the project and are requesting an interest free loan of \$19,000 from the Shire to assist with their contribution towards the construction of the new clubrooms. The total cost of this project will be \$149,907, with Council and the Department of Sport and Recreation each contributing \$49,969 as part of the Community Sporting and Recreation Facilities Fund (CSRFF) grant agreement.

The Tenterden Tennis Club have provided audited financial statements for 2013/14 and 2014/15 (see attached) and have advised that Rowan Bigwood (President) and Mark Addis (Vice President) will act as guarantors for the loan.

The Council could support this request from the Tenterden Tennis Club with an interest free loan from the Community Associations Financial Assistance Reserve account, which has a balance of \$34,707.

The Tenterden Tennis Club will make a repayment of \$1,357.14 every six months for seven years. Council Policy 4.6 states that a proposed loan repayment period should be no longer than 10 years with repayments twice yearly.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

Council Policy 4.6, Interest Free Loans - Community Organisations, states that:

“Applications for an interest free loan must include the following:

- Full details of the project for which funding is required including;- estimates of total costs, with quotes; and plans etc. where necessary.
- The amount of the loan requested from Council;
- The amount of funds the applicant is contributing and any other funds available or applied for i.e. Government Grants;
- A proposed loan repayment period (no longer than 10 years with repayments twice yearly);
- Most recent audited financial statements and current financial statements showing organisation’s total funds, with an indication of capacity to meet repayments; and
- Names of guarantors available, should the Council require them.”

Financial Implications

The total cost of this report will be \$19,000. This interest free loan can be funded from Community Associations Financial Assistance Reserve account budget which has a current balance of \$ 34,707.

Risk Implications

The risks associated with matters in this report are:

- External Theft and Fraud
- Errors, Omissions and Delays
- Providing inaccurate advice / information

The impact of the risk is Financial

The consequences of these risks are considered to be Moderate

The likelihood is Unlikely

Hence the **risk rating** for this item is Moderate

Risk mitigation includes the provision of audited financial statements from the Tenterden Tennis Club and the names of two guarantors.

Strategic Community Plan Reference

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 1.0: By 2023 the Shire of Cranbrook will be respected for its Friendly, Vibrant, Connected and Safe Communities

Objective: 1.3 Be Supportive and Inclusive

Strategy: 1.3.3 Encourage Community Participation

Objective: 1.5 Develop a Healthy Place to Grow and Age

Strategy: 1.5.3 Encourage a Sporting and Active Community

Aspiration 4.0: By 2023 the Shire of Cranbrook will have Enviably Quality Infrastructure, Roads and Facilities

Objective: 4.3 Outstanding Public Facilities

Strategy: 4.3.2 Continue development of recreational and tourism facilities across Shire

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 04082015

Moved Cr Standish, seconded Cr Cunningham that:

- 1. The Council offer the Tenterden Tennis Club an interest free loan of \$19,000 for a term of seven years with half yearly repayments of \$1,357.14; and**
- 2. The loan be funded from the Community Associations Financial Assistance Reserve account to meet the club's contribution towards the cost of construction of the new clubrooms.**

Carried 7/0

Cr ER Bigwood

Item: 10.1.4

Type: (Section 5.61 Local Government Act 1995)

Nature: Member of Frankland River District Country Club

Cr Bigwood was still absent from the meeting

10.1.4 SUBJECT **FRANKLAND RIVER DISTRICT COUNTRY CLUB –
CSRFF APPLICATION**

RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Toni Melia Emergency Services and Recreation Officer
FILE REFERENCE:	CP209
APPLICANT:	Frankland River District Country Club
DATE OF REPORT:	10 August 2015
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for Council to consider:

- Setting the priority ratings of funding applications to be submitted to the Community Sporting and Recreation Facilities Fund (CSRFF) Small Grants Round; and
- Financially supporting the application.

Background

The WA Department of Sport and Recreation (DSR) provides funding to local government authorities and sporting organisations for the provision of sporting facilities for projects ranging from \$7,500 - \$200,000 through the small grants rounds that are held twice a year. DSR has advised the Shire that as of 2016 there will only be a single small grant round per year.

The process for funding under this programme is for applications to be submitted to the relevant Council for prioritising at a local level before being ranked by the Great Southern Regional Manager for the Department of Sport and Recreation. It is then progressed to the DSR Small Grants Committee, their recommendations are then made to the Minister for Sport and Recreation for consideration and approval.

Officers Comment

One application for this round of funding has been received from the Frankland River District Country Club. The Frankland River District Country Club was established in 1965 and is located on Wingebellup Road, Frankland River.

The current clubroom was constructed in 1974 and still has the original kitchen. Improvements were made to the kitchen in the late 1990's, however due to water damage from a leaking tap / pipe that has since been fixed and regular wear and tear to the cupboards due to the age of the facility affecting their usability, the Frankland River District Country Club committee are looking to replace the kitchen cabinets, with kitchen laminate soft close draws and cupboards.

Volunteers from the club will be responsible for the removal of the existing cupboards in preparation of the installation of the new cabinets.

Applicant	Purpose of Funding	CSRFF Funding	Applicant Contribution	Shire Contribution
Frankland River District Country Club	Replacement and installation of kitchen cupboards at the Frankland River District Country Club including 5% project contingency costs	\$3810.41	\$3810.41	\$3810.41

Once the Council have considered this request and if the Officer's Recommendation is adopted, the grant application is sent to DSR. Notification of the outcome should be received from DSR by mid November 2015.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The total cost of this item will be up to \$11,431.23 GST excl. which includes a standard 5% project contingency amount, with a requested Council contribution of up to \$3,810.41 GST excl. As this item was not included in the 2015/16 adopted budget, a budget amendment will be required. The Council's contribution could be funded from the Frankland River Sporting Facilities Reserve account which has a balance of \$279,155 at 31 July 2015.

The CSRFF Grant Funding consists of a one third Council contribution, one third CSRFF funding and one third club funding – which can be either monetary or through volunteer labour.

Risk Implications

The risks associated with matters in this report are:

- External Theft and Fraud
- Inadequate project management
- Inadequate supplier management

The impact of the risk is Financial and Reputational.

The consequence of these risks is considered to be Minor.

The likelihood is Unlikely.

Hence **the risk rating** for this item is Low.

Risk mitigation includes ensuring that work is done by a qualified tradesperson in a timely manner, within the grant timeframe, to ensure project costs remain within budget.

Strategic Community Plan Reference

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 1.0: By 2023 the Shire of Cranbrook will be respected for its Friendly, Vibrant, Connected and Safe Communities

Objective: 1.3 Be Supportive and Inclusive

Strategy: 1.3.3 Encourage Community Participation

Objective: 1.5 Develop a Healthy Place to Grow and Age

Strategy: 1.5.3 Encourage a Sporting and Active Community

Aspiration 4.0: By 2023 the Shire of Cranbrook will have Enviably Quality Infrastructure, Roads and Facilities

Objective: 4.3 Outstanding Public Facilities

Strategy: 4.3.2 Continue development of recreational and tourism facilities across Shire

Consultation

Consultation for this report included the Club Development Officer liaising with members of the Frankland River Country Club and Great Southern Department of Sport and Recreation.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 05082015

Moved Cr Denton, seconded Cr Egerton-Warburton that:

- 1. The application for the supply and installation of new kitchen cupboards at the Frankland River District Country Club be prioritised as first priority funding in the current CSRFF Small Grants Round; and**
- 2. The Council agree to contribute \$3,810.41 towards the project, funded from the Frankland River Sporting Facilities Reserve.**

Carried 7/0

Cr Bigwood re-entered the chambers at 3.18pm

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 SUBJECT	FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT
RESPONSIBLE OFFICER:	Peter Northover Chief Executive Officer
REPORT AUTHOR:	Trish Standish Manager of Finance and Administration
FILE REFERENCE:	AD300
APPLICANT:	The Australian Local Government Association (ALGA)
DATE OF REPORT:	27 July 2015
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for Council to consider supporting the campaign by the Australian Local Government Association to restore the indexation of Financial Assistance Grants to local governments.

Background

When the Federal budget was handed down in May 2015, the Commonwealth Government placed a freeze on the indexation of Financial Assistance Grants (FAGs) until 2017-2018. FAGs funding is not currently keeping pace with demand for services and infrastructure and this freeze will worsen the situation resulting in a permanent reduction in the FAGS base by 13%.

Although the FAGs payments are paid from each state's Local Government Grants Commission the funding originates from the Commonwealth. FAG's are a vital part of the revenue base of all councils, and this year councils will receive \$2.3 billion from the Australian Government under this important program.

For the 2014/2015 year the Shire of Cranbrook received a total of \$1,259,333 from FAGs consisting of \$644,048 for general purpose grant and \$615,285 for local roads.

Officers Comment

ALGA and the state local government associations are seeking the support of Council for advocacy to have the Federal Government reverse the decision to freeze the indexation of FAGs.

ALGA, in its 2015 Federal Budget submission, has called for FAGs indexation to be restored immediately and for the Federal Government to consider the adequacy of the quantum of FAGs and the indexation methodology in the future. ALGA has asked every council in Australia to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting councils to provide important community infrastructure.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report

Financial Implications

Although this report has no financial implications as it is to support advocacy by ALGA but the freeze on indexation on FAGs grants to the Shire of Cranbrook is significant and could amount to hundreds of thousands of dollars in real terms by 2018.

Risk Implications

The risks associated with matters in this report are purely financial.

The impact of the risk is Financial

The consequences of these risks are considered to be Major

The likelihood is Almost Certain

Hence the **risk rating** for this item is Extreme

Risk mitigation includes participating in this campaign and continuing to advocate the importance of FAGs to members of parliament.

Strategic Community Plan Reference

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 5.0: By 2023 the Shire of Cranbrook will demonstrate, Strong Governance, Leadership and Organisational Growth

Objective: 5.2 Demonstrate Strong Leadership and Management

Strategy: 5.2.2 Deliver services and outcomes that are considered best practice

Objective: 5.4 Demonstrate Sound Financial Planning and Management

Strategy: 5.4.2 Responsible and accountable financial management

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 06082015

Moved Cr Standish, seconded Cr Beech that Council:

- 1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;**
- 2. Acknowledges the receipt of \$1,259,333 in 2014/2015; and**
- 3. Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.**

Carried 8/0

10.3 WORKS

Nil

10.4 ECONOMIC & COMMUNITY

Nil

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING

Motion 07082015

Moved Cr Griffiths, seconded Cr Cunningham that Council discuss Item 12.1 Planning Application - Proposed House (Transported Building) – Lot 121 Brewer Street, Tenterden now.

Carried 8/0

The Manager of Works left the meeting at 3.20pm

The Chief Executive Officer left the meeting at 3.20pm

The Manager of Works re-entered the meeting at 3.22pm

The Chief Executive Officer re-entered the meeting at 3.29pm

12.1 SUBJECT

**PLANNING APPLICATION - PROPOSED HOUSE
(TRANSPORTED BUILDING) – LOT 121 BREWER
STREET, TENTERDEN**

REPORT AUTHOR:

Liz Bushby
Gray & Lewis Landuse Planners

FILE REFERENCE:

A1008

APPLICANT:

Claus and Jaqueline Lange

DATE OF REPORT:

14 August 2015

ATTACHMENTS:

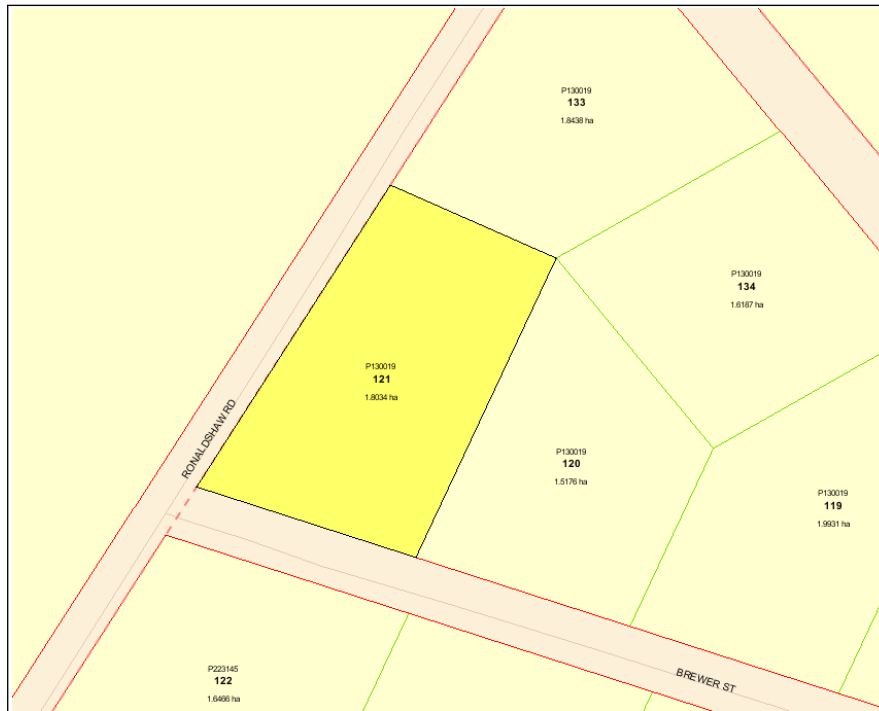
Nil

Purpose

The purpose of this report is for Council to consider an application for retrospective planning approval for a house (transported building) on Lot 121 Brewer Street Tenterden.

Background

The subject lot is located on the corner of Brewer Street and Ronaldshaw Road in Tenterden.



The lot has an approximate area of 1.8 hectares, is predominantly cleared and contains existing outbuildings, water tanks and a dam.

The applicants seek retrospective planning approval as a transported building has been placed on the land and is proposed to be utilised as a single house.

Officers Comment

Zoning

The lot is zoned 'Rural Residential' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').

All development within a Rural Residential zone requires planning approval under Clause 5.18.3 (a) of the Scheme.

Description of Application

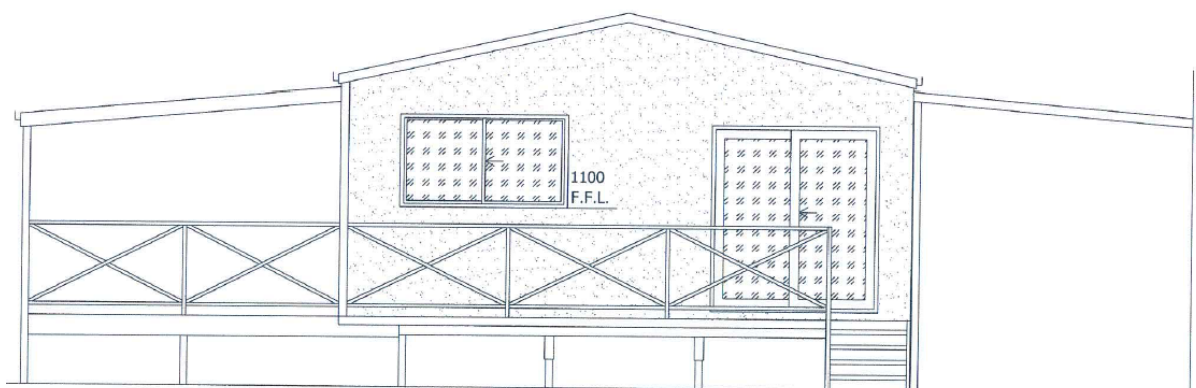
The application is for a new dwelling (transported/ pre-constructed) located approximately 53 metres from Ronaldshaw Road and 65 metres from Brewer Street.

The application complies with the setback requirements for the Rural Residential zone applicable under the Scheme being 30 metres (front) and 10 metres (side / rear).



The applicant proposes to construct a new crossover and driveway to service the proposed dwelling (shown on a scaled site plan).

The dwelling has been newly constructed off site and transported to the lot.



West Elevation – Ronaldshaw Road

Statutory Environment

Under Clause 5.9.2 of the Scheme it states that the local government will only grant planning approval for a transported building to be used for a dwelling in a gazetted townsite where it complies with the provisions of the Scheme, Residential Design Codes and any local laws, and is in a satisfactory condition and will not detrimentally affect the amenity of the locality (in the opinion of the local government).

Schedule 11 of the Scheme has specific requirements for the Rural Residential zone including that dwellings are to be provided with a rainwater storage tank with a minimum capacity of 90 kilolitres, with 25% of the total capacity for bushfire fighting purposes. Tanks are to be connected with a surface area not less than 350m².

Under Clause 10.2 of the Scheme Council has broad discretion to consider a wide range of planning matters including the preservation of the amenity of a locality, the compatibility of a use or development with its setting, and the relationship of the proposal to development on adjoining land or on other land in the locality but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy fees to Gray & Lewis for planning advice.

Risk Implications

The risks associated with matters in this report are

- Failure to fulfil statutory, regulatory or compliance requirements
- Providing inaccurate advice/information

The impacts of the risks are Non-Compliance and Reputational

The consequence of these risks is considered to be Minor

The likelihood is Unlikely

Hence the **risk rating** for this item is Low

Risk mitigation includes obtaining professional planning advice and obtaining retrospective approval

Strategic Community Plan Reference

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 1.0: By 2023 the Shire of Cranbrook will be respected for its Friendly, Vibrant, Connected and Safe Communities

Objective 1.1: Create Engaged Communities

Strategy 1.1.3: Support community building and development initiatives

Aspiration 5.0: By 2023 the Shire of Cranbrook will demonstrate, Strong Governance, Leadership and Organisational Growth

Objective 5.1: Deliver Excellence in Governance, Compliance, Regulation and Reporting

Strategy 5.1.1: Perform at the highest levels of corporate governance, responsibility and accountability

Consultation

Consultation was not required for this report however Council has discretion to refer the application to surrounding neighbours.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 08082015

Moved Cr Egerton-Warburton, seconded Cr Denton that Council:

- 1. Approve the application lodged by Claus and Jacqueline Lange seeking retrospective planning approval for a single house (transported building) on Lot 121 Brewer Street Tenterden subject to the following conditions:**
 - (i) All development to be constructed in accordance with the plans submitted as part of the application unless otherwise approved in writing by the Shire Chief Executive Officer.**
 - (ii) A driveway to be constructed and maintained at a trafficable standard at all times to service the proposed dwelling.**
 - (iii) Approved on site effluent disposal must be installed and in operation prior to occupation of dwelling.**
 - (iv) The dwelling to be serviced by rainwater storage tanks with a minimum capacity of 90 kilolitres.**
- 2. Include the following footnote/ advisory notes on the approval:**
 - (a) This is a planning consent only and should not be construed as a Building Permit.**
 - (b) Under the Shires Town Planning Scheme, rainwater tanks are required to be connected to a suitable rainfall catchment with a surface area of not less than 350 square metres.**

Carried 8/0

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

There being no further business to discuss, the Shire President, Cr Pope declared the meeting closed at 3.34pm.